

1 WRIGHT, FINLAY & ZAK, LLP
2 Dana Jonathon Nitz, Esq.
3 Nevada Bar Np. 0050
4 Christina V. Miller, Esq.
5 Nevada Bar No. 12448
6 7785 W. Sahara Ave. Suite 200
7 Las Vegas, NV 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 cmiller@wrightlegal.net

10 *Attorneys for Defendants Seterus, Inc. and Federal National Mortgage Association*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 CHARLES V. EARNEST, an individual,

Case No.: 2:17-cv-02065-RFB-NJK

14 Plaintiff,

**STIPULATION AND ORDER OF
FINAL JUDGMENT**

15 vs.

16 SETERUS, INC., a Corporation; Attorney in
17 Fact for FEDERAL NATIONAL MORTGAGE
18 ASSOCIATION (FANNY MAE); and DOES I
19 through X, inclusive,

20 Defendants,

21 Plaintiff CHARLES V. EARNEST (“Earnest”), and Defendants SETERUS, INC.
22 (“Seterus”) and FEDERAL NATIONAL MORTGAGE ASSOCIATION (“Fannie Mae”)
23 (collectively referred to herein as the “Parties”), by and through their respective counsel of
24 record, hereby stipulate and agree as follows.

25 WHEREAS, the above-captioned action concerns title to real property commonly
26 known as 2078 Wildwood Lake Street, Henderson, Nevada 89052, APN 191-13-113-050 (the
27 “Property”) and further legally described as stated in that Deed of Trust recorded on November
28 3, 2004, as Book and Instrument Number 20041103-0002942 in the Office of the Clark County
Recorder (the “Deed of Trust”).

WHEREAS, the Parties have entered into a separate Settlement Agreement and Release
(the “Agreement”) as a matter of compromise to adjudicate their respective interest in and/or to

1 the Subject Property.

2 WHEREFORE, based on the foregoing,

3 IT IS HEREBY STIPULATED AND AGREED, pursuant to the Agreement, Earnest is
4 the owner of the Property by way of a homeowners association foreclosure sale occurring on or
5 about July 20, 2016, as reflected in that Trustee's Deed Upon Sale recorded on October 20,
6 2016, as Book and Instrument Number 20161020-0002958 (the "HOA Sale").

7 IT IS FURTHER STIPULATED AND AGREED, pursuant to the Agreement, that
8 Fannie Mae is the owner of the Deed of Trust while its loan servicer, Seterus, remains the
9 beneficiary of record of the Deed of Trust, that the Deed of Trust continues to encumber the
10 Property, and that the Deed of Trust was not extinguished by the HOA Sale.

11 IT IS FURTHER STIPULATED AND AGREED, pursuant to the Agreement, that
12 Earnest's ownership interest in the Property is subject to the Deed of Trust, and that Fannie Mae
13 – as well as its servicers and/or its successors and assigns, including but not limited to Seterus –
14 is entitled to foreclose under the Deed of Trust, unless or until the Deed of Trust is release or
15 reconveyed.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS FURTHER STIPULATED AND AGREED, pursuant to the Agreement, the
2 Parties hereby submit this Stipulation and Order for the Court to adopt as a final order,
3 judgment and decree of the above-captioned action, with each party to bear their own attorney's
4 fees and costs as to each other.

5 **IT IS SO STIPULATED.**

6 DATED this 31st day of August, 2018.

DATED this 31st day of August, 2018.

7 WRIGHT FINLAY & ZAK, LLP

MICHAEL J. HARKER, ESQ.

8 /s/ Christina V. Miller

/s/ Michael J. Harker

9 Dana Jonathon Nitz, Esq.

Michael J. Harker, Esq.

10 Nevada Bar No. 0050

Nevada Bar No. 005353

11 Christina V. Miller, Esq.

2901 El Camino Ave., Suite 200

12 Nevada Bar No. 12448

Las Vegas, NV 89102

13 7785 W. Sahara Ave., Suite 200

Attorney for Plaintiff Charles V. Earnest

14 *Attorneys for Defendants Seterus, Inc.*

15 *and Federal National Mortgage Association*

16 **IT IS SO ORDERED.**

17 DATED this 17th day of September, 2018.

18
19 

20 RICHARD F. BOULWARE, II
21 United States District Court
22
23
24
25
26
27
28